

REMARKS

Claims 1 to 17 are pending in the application.

Claim Rejections - 35 U.S.C. 112

Claims 1-17 stand rejected under 35 U.S.C. 112, 1st paragraph, as failing to comply with the enablement requirement. The examiner states that the claims contain subject matter not described in the specification in such a way as to enable one skilled in the art to which it pertains to make/use the invention. The examiner questions how the handle is interconnected with the push rod.

It is respectfully submitted that a person skilled in the art knows very well how a handle operates the push rods. This type of arrangement and mechanism is well documented in the relevant patent literature. A person skilled in the art is aware of such relevant patent literature. As examples of general knowledge in the art applicant submits copies of patent documents that show how a handle can be connected to push rods for operating the push rods.

As pointed out in the last amendment, the primary reference US 3,953,061 applied by the examiner shows how a handle can be connected to push rods for moving the push rods.

US 5,253,903 shows a mechanism where the handle is received in the square opening 10 for rotating a gear 3 meshing with rack 5 that meshes with gear 4 for driving the rack 6 (see col. 2, lines 26 to 45). The racks 5, 6 are connected to the rods 1 and 2 and move the rods up and down.

UK 2 309 256 (only the front page is provided as the front page includes an abstract and a drawing explaining the device) shows rods 15, 16 being moved in opposite directions by a mechanism driven by a handle received in the square hole 12 and comprising gear 13, rack 14, slave pinion 17 and drive pins 18, 19.

UK 2 208 524 (only the front page is provided as the front page includes abstract and drawing explaining the device) shows a handle-operated mechanism with rack and pinion (22, 24) for moving a bar 12.

UK 703,120 discloses a locking device with two oppositely moveable rods 2 connected to a plate 3 that is rotated by a handle received in the square hole 4 (see Figs. 1-4).

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UK 2 265 935 (only front page is provided as the front page includes abstract and drawing explaining the device) showing a mechanism for moving bars 1, 2 driven by a handle inserted into the square hole 25.

EP 1 445 407 (front page and drawings are provided as the front page includes an abstract that in combination with the drawings explains the device) shows another mechanism for moving two rods. Note square hole 5 for receiving the handle.

The above patent documents provided as examples of the general knowledge in the art demonstrate that connections of a handle to push rods for moving the push rods by rotating the handle is well known to a person skilled in the art - the oldest example presented here is from 1951, the newest has a priority date of January 2003.

Applicant would like to direct examiner's attention to the relevant section of MPEP: **2164.01 Test of Enablement** where it is stated that "any analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention". The standard for determining whether the specification meets the enablement requirement is whether experimentation needed to practice the invention is undue or unreasonable. According to *United States v. Telectronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988), "The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent **coupled with information known in the art without undue experimentation.**" (emphasis added). It is also set forth in this MPEP section that "**A patent need not teach, and preferably omits, what is well known in the art.**" citing the following case law: *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), cert. denied, 480 U.S. 947 (1987); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1984).

Given the wide range of patent documentation relating to windows and doors and disclosing various types of connections of handles to push rods, there is certainly no undue experimentation required to realize the required connection of handle and push rods as a person skilled in the art is well aware of the types of connections available to him.

Moreover, the Description of the Related Art section of the application describes in general terms the reversing drives for the two push rods actuated by an actuating handle.

As stated in court: **A patent need not teach, and preferably omits, what is well known in the art.** The present invention does not concern the connection of handle and push rods; the present invention deals with an actuating element that is mounted on the push rod and that, when the push rod is moved by the handle (no matter how the action of the handle is transmitted onto the push rod to move the push rod), is moved by the push rod so that the actuating element actuates the at least one locking bar.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 112 are therefore respectfully requested.

Rejection under 35 U.S.C. 102

Claims 1-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Hansen et al.* (US 6,066,933).

Claim 1 now claims a wing arrangement wherein a handle is connected to the at least one push rod of the locking device for moving the at least one push rod vertically for locking the wing in a top or bottom portion of the frame (see paragraphs 0004 and 0027). The actuating element for the locking bar is a driver mounted on the push rod in a matching position relative to the locking bar. The push rod, when moved by the handle, entrains the actuating element and the actuating element actuates the locking bar.

The examiner states that applicant's entire argument in regard to *Hansen et al.* is based on the locking bar rotating the cam disc and the rotation of the cam disk causing the push rod to move and that the arguments presented by applicant appear to be more limiting than what is set forth in the claims.

In order to clarify the interconnection of the elements, claim 1 has been to sets forth a handle connected to the push rod(s) and that the push rod, when moved by the handle, entrains the actuating element mounted thereon and the actuating element actuates the at least one locking bar.

Also, claim 1 claims that the actuator for the locking bar is **mounted on the push rod**. The actuator for the locking bar of *Hansen et al.* is the handle. The handle is directly connected to the locking bar and directly actuates the lock. There is no actuator for the locking bar connected to the push rod.

When comparing the devices, the following course of action is realized:

<i>Hansen et al.</i>	Present Invention
HANDLE ↓ LOCKING BAR ↓ CAM DISC ↓ PUSH ROD	HANDLE ↓ PUSH ROD ↓ ACTUATOR ↓ LOCKING BAR

Clearly, the present invention concerns a structurally different configuration and is not anticipated or obvious in view of prior art *Hansen et al.*

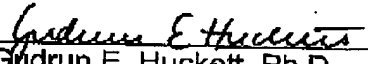
CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on July 4, 2005,


 Ms. Gudrun E. Huckett, Ph.D.
 Patent Agent, Registration No. 35,747
 Lönssstr. 53
 42289 Wuppertal, GERMANY
 Telephone: +49-202-257-0371
 Facsimile: +49-202-257-0372
 gudrun.draudt@t-online.de

GEH/patent documents (23 pages)